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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,470	09/10/2003	Kouta Fukui	FSF-031461	2212

37398 7590 10/10/2006

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EXAMINER

CHEA, THORL

ART UNIT PAPER NUMBER

1752

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/658,470	Applicant(s) FUKUI, KOUTA	
	Examiner Thorl Chea	Art Unit 1752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is responsive to the amendment on May 30, 2006; claims 5-8 are pending in this instant application; claims 1-4, 9 have been canceled.

2. The rejections set forth in the previous office action are withdrawn in view of the applicants' argument and the petition for intentionally-delayed claim to priority to earlier-filed, previously copending US Patent Application No. 10/002,170 on May 30, 2006.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Asanuma et al (US Patent No. 6,146,822) and Biegler et al (US Patent No. 5,600,396).

Asanuma et al discloses the material of the claimed method such as shown in paragraph 4 above, but fails the thermal developing device comprising a filter to collection volatilized substance claimed in the present claimed invention. Asanuma disclose et al a photothermographic material comprising a substrate and composition provided thereon containing a compound of formula (I) and (II-b) having formula within the scope of the organic compounds of formula (I) and (II) presented in claims 6-8; the binder is in form of polymer latex and dispersed in aqueous solvent wherein the "aqueous" solvent is water or mixture of water and less than 70 % by weight of water miscible organic solvent; the silver halide grain, a non-photosensitive organic silver salt

Art Unit: 1752

and reducing agent. See column 3, formula (I); column 4, formula (I-a), (II-a) and (II-b); columns 49-50; and column 51, lines 8-22. The photothermographic material is developed after imagewise exposure at temperature from 80 to 250 °C at the time from 1 second to 180 second (col. 53, lines 1-5).

Biegler et al discloses a photothermographic processor equipped with filter housing containing a chemical filtration media used in cleansing the gas stream from the processor. See abstract and column 2, lines 31-48. The processor is also equipped with exposure/development apparatus and shown in column 4, lines 41-48. It would have been obvious to the worker of ordinary skill in the art at the time the invention was made to use device taught in Biegler to trap the odor particle in the process for forming an image using a photothermographic material taught in Asanuma et al, and thereby provide an invention as claimed. The material taught in Asanuma et al and that used in the present claimed invention contain same organic compound, and the amount thereof would encompasses the amount of the organic compounds in the composition in an amount approximately 0.005 g/m² or more has a volatilization remaining ratio of 50 % or more at 160 °C presented in claimed invention. See the photothermographic ingredients used in Asanuma et al such as reducible silver source, reducing agent, binder, phthalazine derivative and organic acid compound. The amount used therein would be higher than the amount of 0.05 g/m².

Response to Arguments

5. Applicant's arguments filed May 30, 2006 have been fully considered but they are not persuasive since the petition for intentionally-delayed claim to priority to earlier-filed, previously copending US Patent Application No. 10/002,170 on May 30, 2006 fails to establish

Art Unit: 1752

the benefit of the priority filing date of the present application. The application 10/002,170 was filed on December 5, 2001 while the filing date of Asanuma et al is June 5, 1998.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thorl Chea whose telephone number is (571) 272-1328. The examiner can normally be reached on 9 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly can be reached on (571)272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tch-*kin*
September 27, 2006


Thorl Chea
Primary Examiner
Art Unit 1752